

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

PAUL L. SEEGOTT, P.J. LUCIER, JESSE )  
DIRANDO, STEVEN DERIN, BRYAN )  
WEBER, JOHN SOMPLE, THAYNE ALRED )  
MICHAEL SHAUT, and RONALD POSNER, )

Plaintiffs, )  
v. )

CYBERSTARTS, INC. n/k/a HARBOR )  
PAYMENTS, INC., FIWARE HOLDINGS, INC., )  
EDEBT, INC. f/k/a COLLECTIONS.COM, INC., )  
ASHISH BAHL, ALEXANDER SMYTHE, and )  
LEONARD WALKER, )

Defendants. )  
\_\_\_\_\_ )

CASE NO. 1:07cv1479  
JUDGE SOLOMON OLIVER

**MOTION OF DEFENDANTS  
TO DISMISS THE  
COMPLAINT FOR FAILURE  
TO SERVE PROCESS TIMELY**

Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Defendants Alexander Smythe (“Smythe”) and Leonard Walker (“Walker”) (collectively “Defendants”), by and through their undersigned counsel, hereby move to dismiss this action for failure to serve process timely on Defendants. A Memorandum in Support of this Motion is attached hereto and incorporated herein for the Court’s consideration. Defendants make this motion by special appearance without waiving their previously asserted objections to personal jurisdiction in this Court.

Respectfully submitted,

/s/ Van R. Shirey 7/23/07

Van R. Shirey (Bar No. 0031883)

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **MOTION OF DEFENDANTS TO DISMISS THE COMPLAINT FOR FAILURE TO SERVE PROCESS TIMELY** was filed electronically with the Court on July 23, 2007. Notice of this filing was sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's System.

This 23<sup>rd</sup> day of July, 2007.

/s/ Van R. Shirey                      7/23/07  
Van R. Shirey  
Counsel for Defendants